

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
PUBLIC MEETING MINUTES
FEBRUARY 18, 2014
7:15 PM**

Mayor Kelly called the meeting to order at 7:35PM

Flag Salute, Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members: Brophy, Carrick (via phone), Correa, Hayes, Riquelme, Zamechansky-present
Mayor Kelly-present

Motion to Accept Agenda as presented-Councilman Hayes

Second: Councilman Brophy

All in favor.

Mayor Kelly presented a Proclamation to the Dumont Woman's Club, celebrating their 80th Anniversary

Approval of Minutes

Motion to approve the February 4, 2014 Closed Session-Councilman Brophy

Second: Councilman Riquelme

Roll call vote: Council members Brophy, Correa, Hayes, Riquelme, Zamechansky-yes

Councilman Carrick abstained

Administrator Perkins' Report

The Borough has had over 52 inches of snow. There is currently a salt shortage for this entire region. Ten tons were picked up from the County today.

The Borough is assisting the County as well as the Meadowlands Commission with a regional report regarding mitigation projects. The State is compiling information to report mitigation projects in order to assist towns in preventing major catastrophes. Captain Conner has been in touch with them. The NJEIT projects along with the pump station upgrades and generator installation will be reported.

Council Committee Reports

- Councilman Brophy

Ethics Board

The Ethics Board met on January 16th. The attorney for 2014 was appointed. There are no cases pending.

Building and Grounds

The north stairwell in Borough Hall is flooded. The DPW was called in and determined that it was coming down the main beam and that nothing could be done.

Finance

The budget committee has met three times to discuss the 2014 budget. This year will be a very difficult one. For instance, the BCUA's charges will be increased approximately \$70,000 from 2013.

- Councilman Carrick

No report

- Councilwoman Correa

Shade Tree Commission

The Councilwoman attended their meeting last week. The Commission is selling engraved bricks for the arboretum. The unveiling of the bricks is scheduled for April 26th. There will be a way to scan with your smartphone to learn what types of trees and foliage are present. The borough has not lost any trees due to the weather. They are running an art contest for students. "Adopt-a-Tree" applications are available. There have been no issues regarding the ordinance for permits.

- Councilman Hayes

Joint Land Use Board

The PSE&G plans for upgrade have been submitted for next week's meeting.

- Councilman Riquelme

Police Department

They received 1,800 phone calls for service; 102 calls for medical reasons. The patrol division issued 324 traffic summons and two DWI arrests. They investigated forty motor vehicle crashes. The detective bureau investigated twelve domestic violence cases.

- Councilwoman Zamechansky

No report

Borough Attorney Paster

The Borough was served this morning with a lawsuit by the intended developer for the D'Angelo property. He does not have any substantive comment on the merits of the suit. The Borough has done everything legally required to be in compliance with its obligations as far as affordable housing is concerned. He has advised the Mayor and Council not to make any public comments at this time. He explained to those present that he can answer questions regarding procedure.

Ordinance

Second Reading

#1470 An ordinance to create the position of municipal housing liaison for the purpose of administering the Borough of Dumont's Affordable Housing Program pursuant to the Fair Housing Act

Motion to waive formal reading: Councilwoman Zamechansky

Second: Councilman Brophy

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Hayes

Second: Councilman Brophy

All in favor.

Brendan Keating, 65 Wilkins Drive, asked for an explanation of the ordinance. Mr. Paster explained that this is part of the Affordable Housing requirements. The liaison is the agent for the town; it is not a paid position.

Motion to close: Councilman Brophy

Second: Councilman Hayes

All in favor.

Motion to adopt on second reading: Councilman Hayes

Second: Councilman Riquelme

Roll call vote: Council members Brophy, Carrick, Correa, Hayes, Riquelme, Zamechansky-yes

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#14-64 Bills List *

#14-65 Approval of St. John's #1345 Columbiettes On-premise Merchandise Raffle, to be held April 6, 2014; ID#109-6-7021 *

#14-66 Authorization of the Submission of the Application for the Recycling Tonnage Report *

#14-67 Authorization to Advertise for Bids for Recycling Tipping *

#14-68 Zack Blake-Full Membership Status in the Dumont Fire Department *

#14-69 Ryan Woska-Full Membership Status in the Dumont Fire Department *

#14-70 Wastewater Management Plan *

#14-71 Consolidation of Welfare and Senior Services-\$3,000 *

#14-72 Approval of Selzer School PTO On-premise Merchandise Raffle to be held March 23, 2014; ID#109-5-37089 *

#14-73 Approval of Selzer School PTO On-premise 50/50 Cash Raffle to be held March 23, 2014; ID#109-5-37089 *

#14-74 John P. Perkins-Appointment as Municipal Housing Liaison *

There was no discussion from the Council.

Motion to open to the public: Councilman Brophy

Second: Councilman Hayes

All in favor.

1. Kathy Doherty, 110 Roxbury, asked if all towns have a Municipal Housing Liaison position. Mr. Paster responded that towns which file a COAH affordable housing plan is required to have this position.
2. Brendan Keating, 65 Wilkens, asked the requirement for Municipal Housing Liaison. Mr. Paster responded that it has to be a Borough employee.
3. Sal Maurice, 25 Druid, asked about #67-are we looking to get a new recycling company? Do we receive money from paper and bottles and #66-what kind of report is that? Mr. Perkins explained that it goes by tonnage. As of May 31st they will no longer pay us for it. The tonnage report is submitted by our Recycling Coordinator.
4. Nancy, Larch Avenue, asked if there is a job description for Municipal Housing Liaison

and if Mr. Perkins would be able to handle both jobs. Mr. Perkins will be monitoring the affordable housing in town and he will be able to handle both jobs.

5. John Hohnadel, 30 Wilkens Drive, asked if #70, Wastewater Plan, would include development of D'Angelo's. Mr. Perkins said this has to do with the way our sewer system is managed now.

6. Sal Maurice, 25 Druid, asked if #70 included sewage and storm water. Yes.

Motion to close: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt: Councilman Brophy

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Carrick, Correa, Hayes, Riquelme, Zamechansky-yes

Motion to open to the public for general comments: Councilman Hayes

Second: Councilman Riquelme

All in favor.

Mayor Kelly stated that the Borough Attorney has advised the Council not to make any comments, since we are now in litigation. He requested that speakers limit their comments to three minutes.

1. Sal Maurice, 25 Druid Ave., commented that the fire hydrant by the Old North Church has to be dug out. He would have the boy scouts dig it out.

2. Phyllis Binney, 32 Roxbury, asked if the Borough can pursue other avenues for the land. Mr. Paster responded that if the Borough tries to intercede, it could be considered interference, which would become a legal issue. She asked what documents will be made public during the investigation. Mr. Paster answered that anything filed in the court and discovery process is public, unless it is considered privileged by the court.

3. Lynne Vietri, 41 Wilkens Drive, stated that Ms. Green had said that if COAH was filed, we would not have an issue-has it been approved? How can a lawsuit be filed if they don't own the property? Will there be a Joint Land Use Board attorney? How much lower is an affordable unit than a regular unit? Mr. Paster replied that you can't stop someone from suing. Once the plan was filed, we have a level of protection. It has not yet been certified. There is a Joint Land Use attorney. The rent is determined by a sliding scale.

4. Rachel Bunin, 9 Poplar Street, asked why the Borough can't dictate how many affordable units the developer is required to include. Mr. Paster said all options are on the table.

5. Margaret Keating, 60 Fleetwood, asked the attorney for an explanation of the process. Mr. Paster explained that the Borough has 35 days to file a formal response. Once it's filed it would be public record. An answer to a litigation complaint is admission or denial of each allegation. Mr. Paster said documents could be posted on the Borough website.

6. Kathy Doherty, 110 Roxbury Road, asked why the Mr. Paster was not really surprised by the lawsuit but was surprised by the timing since no plans had been submitted. Is the Governing Body more concerned about ratables or preservation of quality of life? Will there be a committee to deal with this? Mr. Paster replied there was a committee but explained that the attorneys would handle the negotiations.

7. Dick O'Connor, Blish Place, stated that this type of development will affect the value of homes in the area. The developers and D'Angelo Farms should be countersued.

8. Brendan Keating, 65 Wilkens, stated that affordable housing is the developer's avenue to

get what they want. He asked the attorney if he knew the lawsuit was coming and the merits of the suit. Mr. Paster responded that an OPRA was filed requesting documents and the tape from the December 17th meeting, which led him to believe that something was up. Mr. Keating asked what we would be subject to if we didn't abide by COAH or what the court comes up with. Mr. Paster replied that we could lose our State aid, subject to fines and/or arrest. Mr. Keating stated that the residents will be footing the bill for one family and the developer.

9. Phyllis Binney, 32 Roxbury, questioned the constitutionality of the third round COAH. She said that after doing all this, her fear is that they are going to say it doesn't matter anyway.

10. Sal Maurice, 25 Druid Avenue, said we need to draw a line in the sand and not comply.

11. Rachel Bunin, 9 Poplar St, suggested reaching out to other towns.

12. Dick O'Connor, Blish Place, stated that New Milford is completely different from Dumont.

13. Kathy Doherty, 110 Roxbury Pl., said that previously it was stated that only Dumont can change their zoning and issue permits. Is it that simple? Mr. Paster replied other towns cannot help.

14. Lynne Vietri, 41 Wilkens Drive, asked if the impact on the school system and police department is given consideration. Taxes have to increase. She brought up the portion of the lawsuit, which spoke of sewage capacity.

15. John Hohnadel, 30 Wilkens Dr., stated that he has had a sewer backup at his home. Will the sewers be cleaned? Mr. Perkins stated it will be looked into.

16. Tom Grassi, 27 Merritt, asked if a formal plan has been submitted to the town. The answer was no. Can the town create a law that union labor must be used.

17. Sal Maurice, 25 Druid, stated that if even a dime comes from the County, Federal or State, a union is required

18. Mary Ann Annachino, 84 Andover, stated that this is a highly developed community; there is only one parcel left. Traffic is bad in her area now. We should learn from other towns how they have handled COAH.

19. Joe Annacchino, 84 Andover, questioned how other towns are able to avoid COAH. Mr. Paster responded that everyone is obligated to put together a plan. The reason there is an issue now is that the parcel was not previously available. Years ago a town could contribute to other towns to satisfy their obligation but that is now illegal.

20. Joe Faulborn, Virginia Avenue, asked if COAH takes into consideration the group homes we have in town. The answer was yes.

21. Tom Grassi, 27 Merritt Avenue, asked if they file for tax abatement would that count as state funds requiring unions.

22. Margaret Keating, 60 Fleetwood Road, asked if the backup of applications by the State work in our favor.

23. Kathy Doherty, 110 Roxbury, asked if the Council is considering another solution other than the development in order to fulfill the seventeen unit COAH requirement. Mr. Paster stated that since D'Angelo's is the only available space, the plan calls for them to be built there. She asked whether we could pay apartments to convert units to affordable housing. Mr. Paster stated that it doesn't change the 17 credit obligation but it's something that can be explored.

24. Carmine DeMarco, 64 Ontario Street, asked if the Borough will aggressively defend

against this action. Mr. Paster replied that all options are being considered.

25. Liz Marchese, 235 Larch Avenue, said that we have worked hard to maintain 28' height levels. She hopes the Council will keep this in mind.

26. Dave Isolde, 425 New Milford Avenue, asked if the town has engineering studies on traffic impact. Mr. Paster responded that none have been done as far as he knows. Is there a committee like they have in New Milford? He asked if residents can file briefs on behalf of the town. Mr. Paster said the court has to consider all stakeholders.

27. Rachel Bunin, 9 Poplar, explained that there is a mailing list in order to inform residents.

28. Nancy Looper said that houses around D'Angelo's are up for sale and asked if the COAH was done with D'Angelo's in mind. Mr. Paster explained that preliminary work was done in 2007 and it was a consideration. Part of the requirement is to provide a realistic expectation as to where and how we are to provide our obligations. Many towns have

affordable housing but you would never be able to tell-Tenafly, for instance, is one of them

29. Phyllis Binney, 32 Roxbury, asked if studies would be paid for by the residents. The response from the attorney was that the residents would have to pay. She asked if we can sue them for legal fees Mr. Paster stated that all options are on the table.

30. Leo Valazquez, Roxbury Road, said they have a plan of forty units per acre according to the lawsuit. We countered with a plan of twelve units per acre. Mr. Paster explained that the Borough has never had the opportunity to bid on the property.

31. Brendan Keating, 65 Wilkens, wanted to clarify that that's twelve units per acre before variances. Mr. Paster responded that the plan is to rezone the property for twelve units per acre, setbacks, buffers, height restrictions, etc.

Councilwoman Correa stated that she appreciates everyone coming to ask questions and showing concern but objects to negativity toward the Council. She takes offense to anyone who goes on any blog and tries to deface the council members without knowing them or how they operate. She said people can reach her by phone and email.

Motion to close: Councilman Hayes

Second: Councilman Brophy

All in favor.

Mayor Kelly adjourned the meeting at 9:25PM

Minutes respectfully submitted by:

Susan Connelly, RMC
Municipal Clerk

